

THE HONORABLE RONALD B. LEIGHTON



07-CV-05087-ORD

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AUG - 6 2007	
CLERK U.S. DISTRICT COURT WESTERN DISTRICT OF WASHINGTON AT TACOMA	
BY	DEPUTY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

NORTHWEST HEALTHCARE
ALLIANCE, INC., a Washington
corporation,

Plaintiff,

v.

THE SENIOR'S CHOICE, LLC, a
California limited liability company, and
HELP AT HOME SENIOR SERVICES,
INC., a Washington corporation,

Defendants.

No. C07-5087 RBL

**STIPULATED FINAL JUDGMENT
AND PERMANENT INJUNCTION**

[CLERK'S ACTION REQUIRED]

STIPULATION

The parties stipulate to the entry of the subjoined Final Judgment and
Permanent Injunction and respectfully request that the Court enter the same.

DATED this 3rd day of July, 2007.

RIDDELL WILLIAMS, P.S.

LARRY W. FAGERNESS

By: 

Mark M. Hough
Attorneys for Plaintiff, Northwest
Healthcare Alliance, Inc.

By: 

Larry W. Fagerness
Attorneys for Defendants The Senior's
Choice, LLC and Help at Home Senior
Services, Inc.

STIPULATED FINAL JUDGMENT AND PERMANENT
INJUNCTION - (No. C07-5087 RBL) - 1
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60278.00019

Riddell Williams P.S.
1001 FOURTH AVENUE
SUITE 4500
SEATTLE, WA 98154-1192
206.624.3600

FINAL JUDGMENT AND PERMANENT INJUNCTION

The parties having stipulated to the entry of this Final Judgment and Permanent Injunction and the Court having reviewed the files and being otherwise fully advised in the premises, now therefore it is hereby

ORDERED, ADJUDGED and DECREED that Final Judgment be entered in favor of Plaintiff against Defendants.

IT IS FURTHER ORDERED that Defendant, The Senior's Choice, LLC, and its officers, directors, managers, employees, agents, subsidiaries, and all persons in active concert or participation with any of them, are hereby permanently enjoined and prohibited from licensing, offering to license, or being involved in any fashion, directly or indirectly, with a business providing home care services and using the Registered Trademark No. 2,621,107 or any heart-shaped logo within the following areas: the counties of Washington, Multnomah, and Clackamas in the state of Oregon, and the counties of Clark, Wahkiakum, Pacific, Gray's Harbor, Lewis, Cowlitz, Thurston, Mason, Pierce, Jefferson and Clallam counties in the state of Washington.

IT IS FURTHER ORDERED that Defendant, Help at Home Senior Services, Inc., and its officers, directors, employees, agents, subsidiaries, and all persons in active concert or participation with any of them, are hereby permanently enjoined and prohibited from using in any way in any home care services business the Registered Trademark No. 2,621,107 or any heart-shaped logo, whether by license or otherwise, within the following areas: the counties of Washington, Multnomah, and Clackamas in the state of Oregon, and the counties of Clark, Wahkiakum, Pacific, Gray's Harbor, Lewis, Cowlitz, Thurston, Mason, Pierce, Jefferson and Clallam counties in the state of Washington; provided however, that Defendant Help at Home Senior Services may use up

1 any printed materials in its inventory existing as of April 1, 2007 which bear the
2 Registered Trademark or any heart-shaped logo until May 30, 2007, and shall
3 have until May 30, 2007 to remove the Registered Trademark and any heart-
4 shaped logo from any website it owns or uses. After May 30, 2007 the Injunction
5 in this paragraph will operate against Help at Home.

6 IT IS FURTHER ORDERED that each party shall bear its own costs,
7 including attorneys' fees, in this matter to date. However, if any party seeks to
8 enforce the terms of this Final Judgment and Permanent Injunction, the actual
9 attorney's fees and costs incurred in said enforcement shall be paid by the non-
10 prevailing party to the prevailing parties.

11 IT IS FURTHER ORDERED that this Court retains jurisdiction over this
12 matter to enforce the terms of this Final Judgment and Permanent Injunction.

13 DATED this 6th day of ^{August}~~July~~, 2007.

14 
15 Ronald B. Leighton
16 United States District Judge

17 Presented by:

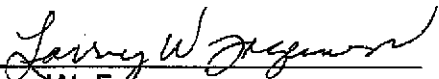
18 RIDDELL WILLIAMS, P.S.

19 By: 
20

21 Mark M. Hough
22 Attorneys for Plaintiff, Northwest
23 Healthcare Alliance, Inc.
24
25
26

1 Approved as to Form;
2 Notice of Presentation Waived:

3 LARRY W. FAGERNESS

4
5 By: 
6 Larry W. Fagerness
7 Attorneys for Defendants The Senior's
8 Choice, LLC and Help at Home Senior
9 Services, Inc.
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